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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 MICHELLE DAVIS, NICOLE  
12 JOHNSON, CLAUDIA ARIZA,

13 Plaintiffs,

14 v.

15 CITY OF SAN DIEGO, a municipal  
16 corporation; CHRISTOPHER R. HAYS,

Defendants.

Civil No. 14cv1488-DMS (DHB)

**SCHEDULING ORDER**

17 A status conference was held on December 11, 2014. James Mitchell and  
18 Samuel Clemens appeared for Plaintiffs, Keith Phillips and Christina Milligan  
19 appeared for Defendant City of San Diego and Michael Parme appeared for Defendant  
20 Hays. After consulting with the attorneys of record for the parties and being advised  
21 of the status of the case, and good cause appearing,

22 **IT IS HEREBY ORDERED:**

- 23 1. The stay issued on August 19, 2014, is hereby lifted.  
24 2. Defendants shall file their responses to the First Amended Complaint on  
25 or before **December 29, 2014**.  
26 3. The parties are scheduled to attend a mediation on February 2, 2015.  
27 Prior to that mediation, Defendants shall take Plaintiffs' depositions and the parties  
28 shall engage in other limited discovery.

1           4.       Counsel shall refer to the “Civil Pretrial & Trial Procedures of Judge  
2 Dana M. Sabraw” which are accessible via the Court’s website at  
3 [www.casd.uscourts.gov](http://www.casd.uscourts.gov).

4           5.       Any motion to join other parties, to amend the pleadings, or to file  
5 additional pleadings shall be filed on or before **February 17, 2015**.

6           6.       Plaintiff(s) (or the party(ies) having the burden of proof on any claim)  
7 shall serve on all parties a list of experts whom that party expects to call at trial on or  
8 before **March 2, 2015**. Defendant(s) (or the party(ies) defending any claim,  
9 counterclaim, crossclaim, or third party claim) shall serve on all parties a list of  
10 experts whom that party expects to call at trial on or before **March 9, 2015**. On or  
11 before **March 16, 2015**, any party may supplement its designation in response to any  
12 other party’s designation, so long as that party has not previously retained an expert to  
13 testify on that subject. Expert designations shall include the name, address, and  
14 telephone number of each expert, and a reasonable summary of the testimony the  
15 expert is expected to provide. The list shall also include the normal rates the expert  
16 charges for deposition and trial testimony.

17           The parties must identify any person who may be used at trial to present  
18 evidence pursuant to Rules 702, 703 or 705 of the Federal Rules of Evidence. This  
19 requirement is not limited to retained experts.

20           **Failure to comply with this section or any other discovery order of the**  
21 **Court may result in the sanctions provided for in Fed. R. Civ. P. 37, including a**  
22 **prohibition on the introduction of experts or other designated matters in**  
23 **evidence.**

24           7.       All expert disclosures required by Fed. R. Civ. P. 26(a)(2) shall be served  
25 on all parties on or before **April 14, 2015**. Any contradictory or rebuttal information  
26 shall be disclosed on or before **April 28, 2015**. In addition, Fed. R. Civ. P. 26(e)(1)  
27 imposes a duty on the parties to supplement the expert disclosures made pursuant to  
28 Fed. R. Civ. P. 26(a)(2)(B) by the time that pretrial disclosures are due under Fed. R.

1 Civ. P. 26(a)(3) (discussed below). This disclosure requirement applies to all persons  
2 retained or specially employed to provide expert testimony, or whose duties as an  
3 employee of the party regularly involve the giving of expert testimony.

4 **Failure to comply with this section or any other discovery order of the**  
5 **Court may result in the sanctions provided for in Fed. R. Civ. P. 37, including a**  
6 **prohibition on the introduction of experts or other designated matters in**  
7 **evidence.**

8 8. All discovery shall be completed by all parties on or before **May 12,**  
9 **2015.** “Completed” means that all discovery must be initiated a sufficient period of  
10 time in advance of the cutoff date, so that it may be completed by the cutoff date,  
11 taking into account the times for service, notice, and response as set forth in the  
12 Federal Rules of Civil Procedure. The Court’s procedures for resolving discovery  
13 disputes are set forth in Magistrate Judge Bartick’s Civil Chambers Rules, which are  
14 posted on the Court’s website.

15 9. All motions, other than motions to amend or join parties, or motions in  
16 limine, shall be filed on or before **June 12, 2015.** Motions will not be heard or  
17 calendared unless counsel for the moving party has obtained a motion hearing date  
18 from the law clerk of the judge who will hear the motion. **For motions to be heard**  
19 **before this Court, be advised that the parties must file their moving papers the**  
20 **day the motion hearing date is received from the Court.** Be further advised that  
21 the period of time between the date you request a motion date and the hearing date  
22 may be up to six to eight weeks. Please plan accordingly. Failure of counsel to timely  
23 request a motion date may result in the motion not being heard.

24 Briefs or memoranda in support of or in opposition to any pending motion shall  
25 not exceed twenty-five (25) pages in length without leave of the judge who will hear  
26 the motion. No reply memorandum shall exceed ten (10) pages without such leave of  
27 court.

28 10. A Mandatory Settlement Conference shall be conducted on **June 29,**

1 **2015** at **10:00 a.m.** in the chambers of Magistrate Judge Bartick. Counsel shall  
2 submit settlement statements **directly** to Magistrate Judge Bartick's chambers no later  
3 than **June 22, 2015**.<sup>2</sup> The parties may either submit confidential settlement statements  
4 or may exchange their settlement statements. Each party's settlement statement shall  
5 set forth the party's statement of the case, identify controlling legal issues, concisely  
6 set out issues of liability and damages, and shall set forth the party's settlement  
7 position, including the last offer or demand made by that party, and a separate  
8 statement of the offer or demand the party is prepared to make at the settlement  
9 conference. **The settlement conference briefs shall not be filed with the Clerk of**  
10 **the Court.**

11 **All named parties, all counsel, and any other person(s) whose authority is**  
12 **required to negotiate and enter into settlement shall appear in person at the**  
13 **conference.** The individual(s) present at the Mandatory Settlement Conference with  
14 settlement authority must have the unfettered discretion and authority on behalf of the  
15 party to: 1) fully explore all settlement options and to agree during the Mandatory  
16 Settlement Conference to any settlement terms acceptable to the party (*G. Heileman*  
17 *Brewing Co., Inc. v. Joseph Oat Corp.*, 871 F.2d 648, 653 (7th Cir. 1989)), 2) change  
18 the settlement position of a party during the course of the Mandatory Settlement  
19 Conference (*Pitman v. Brinker Int'l, Inc.*, 216 F.R.D. 481, 485-86 (D. Ariz. 2003)),  
20 and 3) negotiate a settlement without being restricted by any predetermined level of  
21 authority (*Nick v. Morgan's Foods, Inc.*, 270 F.3d 590, 596 (8th Cir. 2001)).

22 Governmental entities may appear through litigation counsel only. As to all  
23 other parties, appearance by litigation counsel only is not acceptable. Retained  
24 outside corporate counsel shall not appear on behalf of a corporation as the party who  
25 has the authority to negotiate and enter into a settlement. **The failure of any counsel,**  
26 \_\_\_\_\_

27 <sup>2</sup> Statements under 20 pages in length, including attachments and exhibits, shall be e-mailed to  
28 chambers at efile\_Bartick@casd.uscourts.gov. Statements exceeding 20 pages in length, including  
attachments and exhibits, must be delivered directly to chambers.

1 **party or authorized person to appear at the Mandatory Settlement Conference as**  
2 **required shall be cause for the immediate imposition of sanctions.** All conference  
3 discussions will be informal, off the record, privileged, and confidential.

4 11. The parties must comply with the pretrial disclosure requirements of Fed.  
5 R. Civ. P. 26(a)(3) no later than **July 17, 2015**. **Please be advised that failure to**  
6 **comply with this section or any other discovery order of the Court may result in**  
7 **the sanctions provided for in Fed. R. Civ. P. 37, including a prohibition on the**  
8 **introduction of experts or other designated matters in evidence.**

9 12. Each party shall serve on each other party and file with the Clerk of  
10 Court their Memorandum of Contentions of Fact and Law and take any other action  
11 required by Local Rule 16.1.f.2 on or before **July 17, 2015**.

12 13. Counsel shall confer and take the action required by Local Rule 16.1.f.4.a  
13 on or before **July 24, 2015**.

14 14. Counsel for the Plaintiff(s) must provide opposing counsel with the  
15 proposed pretrial order for review and approval and take any other action required by  
16 Local Rule 16.1.f.6.a on or before **July 31, 2015**.

17 15. Written objections, if any, to any party's Fed. R. Civ. P. 26(a)(3) pretrial  
18 disclosures shall be filed and served on or before **July 31, 2015**. **Please be advised**  
19 **that the failure to file written objections to a party's pretrial disclosures may**  
20 **result in the waiver of such objections, with the exception of those made pursuant**  
21 **to Rules 402 (relevance) and 403 (prejudice, confusion or waste of time) of the**  
22 **Federal Rules of Evidence.**

23 16. The Pretrial Order shall be lodged with the district judge's chambers on  
24 or before **August 7, 2015** and shall be in the form prescribed in Local Rule 16.1.f.6.c.  
25 **In addition, the parties shall include in the proposed pretrial order a statement to**  
26 **be read to the jury, not in excess of one page, of the nature of the case and the**  
27 **claims and defenses.**

28 17. The final Pretrial Conference is scheduled on the calendar of this Court

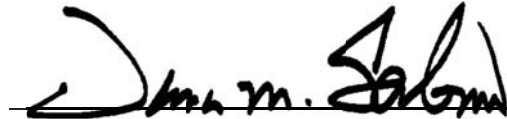
1 on August 14, 2015 at 10:30 a.m. The trial will commence on September 14, 2015  
2 at 9:00 a.m.

3 18. The dates and times set forth herein will not be modified except for good  
4 cause shown.

5 19. Plaintiff's(s') counsel shall serve a copy of this order on all parties that  
6 enter this case hereafter.

7 IT IS SO ORDERED.

8 Dated: December 12, 2014

A handwritten signature in black ink, appearing to read "Dana M. Sabraw", is written over a horizontal line.

DANA M. SABRAW  
United States District Judge